

Exhibit 3

Mango, Aaron (USANYW)

From: Dunagan, William <wdunagan@wharton.upenn.edu>
Sent: Thursday, October 03, 2013 2:11 PM
To: Mango, Aaron (USANYW)
Subject: FW: Report of Threat Directed at DEP Employee Submitted on IntraDEP

Importance: High

Hi Aaron,

I was able to dig this and a couple other emails up about the incident, it was Craig Evans not Eric Gustafson, who was present. I'll send the other emails shortly...

Thanks,
Bill

From: IntraDEPMail [mailto:IntraDEPMail]
Sent: Thursday, July 26, 2007 3:13 PM
To: dmaskrey@state.pa.us; wdunagan@state.pa.us; dmaskrey@state.pa.us; kburch@state.pa.us; kbassett@state.pa.us; rmoseley@state.pa.us
Subject: Report of Threat Directed at DEP Employee Submitted on IntraDEP

Note: This is an Automated Message from IntraDEP

Threats Directed Against DEP Employees Report

Submitter Information

Date Submitted : 7/26/2007

Name of Person Completing this Report : Dianne Maskrey

Work Telephone Number : 814-332-6639

Work Address

Street : 230 Chestnut Street

City : Meadville

State : PA

ZipCode : 16335

Information of Individual Threatened

Name of Employee Being Threatened : William Dunagan

Address :

Street : 230 Chestnut Street

City : Meadville

State : PA

Zip Code : 16335

Phone Number: 814-332-6971

Race : white

Gender : Male

Age : 34

Name of Immediate Supervisor : Dianne L. Maskrey

Supervisor Phone Number : 814-332-6639

Name of Bureau/Regional Director : Kelly Burch

Suspect Information

Suspect's Name : Mark Kamholtz, Environmental Control Manager

Suspect's Address

Street : Box 6180

City : Erie

State : PA

Zip Code : 16512

Telephone Number : 814-454-0177

Employer of Suspect : Erie Coke Corporation

Threat Information

Date the Threat Occurred : 7/25/2007

Time the Threat Occurred : 1:30 pm

Type of Threat : Verbal

Exact Wording of Threat : While observing the pushing of coke from the ovens into the Quench Car, Bill Dunagan decided to take photos of the fugitive emissions from this activity. Mark Kamholtz observed Bill taking photos and came within one foot of Bill. Mark told Bill that he was not allowed to take pictures. Mark said, "You and Staci are on a fishing expedition. If you want to take pictures you need to get a court order." Bill explained that he has a right to take pictures as per the Air Pollution Control Act. Mark said he would call Staci about this. Bill said ok that they could have a conference call with Staci. Mark said, "I'm not going to do that because you are not taking any pictures." Mark told Bill that it is company policy that no photos be taken. Bill explained again that the APCA empowers employees to take photos. And Bill reminded Mark that taking pictures on-site had been an issue during a DEP inspection a couple years ago and that a letter had been sent to Erie Coke addressing this issue. Mark was reminded that Erie Coke had been warned about stopping DEP employees from taking photos. Mark backed off after Bill said the company had been sent a letter regarding this issue. Bill said during this confrontation, Mark appeared visibly upset and shaking. Bill felt threatened and did not want to chance that the situation would escalate. Therefore, Bill decided to not take any more photos. Bill left the Erie Coke facility shortly afterward.

Location of Offense : Other

Did the DEP Employee Truly Feel Threatened : Yes

Did the DEP Employee Know or Have a Relationship with the Suspected Individual Communicating the Threat? : Yes

Physical Location and Disposition of Any Potential Evidence : Craig Evans of DEP and Mary Nies of Erie Coke were witnesses to this incident which occurred on ground level in front of the Quench Car while the DEP and Erie Coke employees were observing the coke pushing activities.

Was the Evidence Provided to the Police? : No

Contact at the Police Department : Police were not notified as of this report. A copy of this report and a witness statement from Craig Evans will be supplied to the City of Erie Police Department.

Mango, Aaron (USANYW)

From: Dunagan, William <wdunagan@wharton.upenn.edu>
Sent: Thursday, October 03, 2013 2:13 PM
To: Mango, Aaron (USANYW)
Subject: FW: Erie Coke NOV

Importance: High

[More...](#)

From: Maskrey, Dianne
Sent: Wednesday, August 08, 2007 9:33 AM
To: Dunagan, William
Cc: Gustafson, Staci
Subject: RE: Erie Coke NOV
Importance: High

Bill,

As Staci just told me, John received a phone call from Mark apologizing for his actions toward you. I would hope that Mark would also apologize to you personally.

But, this is business and not personal even though Mark tried to make it so. Until I learn more, I would like to move on and send out the NOV *without* the paragraph regarding hindering the inspection.

Thanks.

Dianne

-----Original Message-----

Dunagan, William
Wednesday, August 08, 2007 8:42 AM
Maskrey, Dianne
RE: Erie Coke NOV

Dianne,

Can you please find out what the status of the situation is concerning the incident between Mark and myself. I need to send out the NOV today, (it's been two weeks). Am I supposed to take out that part of the NOV? Is Mike going to take it over from here? Has he already sent a letter? Basically, what do I need to do? Also, should I send the NOV to Mark as we have been doing or change and send it to Joe (the responsible official listed in the permit) and just cc Mark? Thanks.

Bill

-----Original Message-----

Guth, John
Wednesday, August 01, 2007 11:43 AM
Dunagan, William; Gustafson, Staci; Maskrey, Dianne
RE: Erie Coke NOV

I won't comment on the responsible official concern, but I will comment the "hinderence" issue. I spoke with Mike yesterday and he was in the process of crafting a letter that will point out the actions of Mr. Kamholz to Erie Coke (addressing it to the president of Erie Coke) and how any actions by thier employees in hindering the dept, will be reflected in an enforcement action against Erie Coke. I think because we are taking a separate "action" on this incident, I am not sure we need or should include it in the NOV.

-----Original Message-----

Dunagan, William
Wednesday, August 01, 2007 9:30 AM
Dunagan, William; Guth, John; Gustafson, Staci; Maskrey, Dianne
RE: Erie Coke NOV

<< File: eriecoke7232007thru7272007.doc >>

Sorry forgot to attach the file...

-----Original Message-----

Dunagan, William
Wednesday, August 01, 2007 9:29 AM
Guth, John; Gustafson, Staci; Maskrey, Dianne
Erie Coke NOV
Importance: High

Dianne, Staci & John,

Attached is a draft of the NOV I would like to send Erie Coke. A couple of items worth noting:

The Responsible official listed in their permit is Joe O'Hara, **not** Mark Kamholtz. Myself and Curtis have been sending the NOV's to Mark Kamholtz (and recently started CC'ing J.D. Krane). I think this one should go to Joe O'Hara, not only because he is listed as the responsible official but also because of the section I included about what happened in regards to taking the photographs. I have not heard back from Mike B. as far as going through the AG's office, so I'm assuming this is the only viable option left in pursuing the "hinder, obstruct, interfere" issue with taking pictures. Questions or comments with the NOV?? Thanks.

Bill